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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,672

03/16/2004

Sourabh Satish

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EXAMINER

DEBNATH, SUMAN

ART UNIT

PAPER NUMBER

2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/802,672

Applicant(s)

SATISH, SOURABH

Examiner

Suman Debnath

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/16/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-20 are pending in this application.

#### ***Claim Objections***

2. Claims 2-15 are objected to because of the following informalities:

In claims 2-15, "A method" should be "The method".

In claim 2, "the event" in line 1 should be "an event"

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 and 16-20 are rejected under 35 U.S.C 101 because claims are directed to non-statutory subject matter. Claims 1 and 16-20 do not produce concrete and tangible results within the enumerated steps. Claims 1 and 16-20 recite limitation "comparing a second behavior with the first behavior" but no indication of what would be the results at the completion of the enumerated steps. Appropriate action and/or clarification is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10, 12-13 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tajalli et al. (Pub. No.: US 2004/0143749 A1), hereinafter "Tajalli".

7. As to claim 1, Tajalli discloses a method of providing security (abstract), comprising: accessing a database configured to store operational information associated with a process (FIG. 4, [0063], [0064], [0065], [0100]); determining a first behavior using the operational information, wherein the first behavior is associated with the process ([0066], "...define the permitted behavior of applications running on the agents", see also [0044], [0054], [0109], [0127]); monitoring the process ([0053], [0063]); and comparing a second behavior with the first behavior, wherein the second behavior is attempted by the process ([0133], "unacceptable behavior", see also [0044], [0082]).

8. As to claim 2, Tajalli discloses in the event the second behavior is determined to be different from the first behavior, the second behavior is determined to be disallowed

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([0133], "unacceptable behavior", see also [0044], [0081], [0082]).

9. As to claim 3, Tajalli discloses wherein the first behavior is one of a plurality of behaviors determined using the operational information ([0066], "...define the permitted behavior of applications running on the agents", see also [0044], [[0051], 0054], [0109], [0127]).

10. As to claim 4, Tajalli discloses wherein the first behavior is one of a plurality of behaviors determined using the operational information ([0066], "...define the permitted behavior of applications running on the agents", see also [0044], [0054], [0109], [0127]), and in the event the second behavior is determined to be different from the plurality of behaviors, the second behavior is determined to be disallowed ([0133], "unacceptable behavior", see also [0044], [0081], [0082]).

11. As to claim 5, Tajalli discloses further comprising determining that the second behavior is disallowed ([0133], "unacceptable behavior", see also [0081], "...as applications request and use resources, looking for requests or uses that depart from the acceptable behavior").

12. As to claim 6, Tajalli discloses further comprising determining that the second behavior is disallowed and performing a predetermined action ([0133], [0106], [0081]).

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13. As to claim 7, Tajalli disclose further comprising determining that the second behavior is disallowed and performing a predetermined action, wherein the predetermined action includes preventing the second behavior from succeeding ([0133], [0106], [0081]).

14. As to claim 8, Tajalli discloses further comprising determining that the second behavior is disallowed and performing a predetermined action, wherein the predetermined action includes generating an event associated with the second behavior ([0081], [0082], [0106], "log data").

15. As to claim 9, Tajalli discloses wherein determining the first behavior using the operational information is performed when the process is not operating ([0066], [0082]).

16. As to claim 10, Tajalli discloses wherein the operational information includes optimization information ([0081], "frequency of access").

17. As to claim 12, Tajalli discloses wherein the operational information includes optimization information ([0081], "frequency of access"), and wherein the optimization information is configured on a per user basis ([0205], "The Profiler 1102 ca be used by users to generate BCDs 305 for their own custom applications").

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18. As to claim 13, Tajalli discloses wherein the operational information includes component access information ([0020], "...each process set has a corresponding behavior control description, and controlling access to system resources by each process ..").

19. As to claim 16, Tajalli discloses a system for providing security (abstract), comprising: a processor configured to: access a database configured to store operational information associated with a process (FIG. 4, [0063], [0064], [0065], [0100]); determine a first behavior using the operational information, wherein the first behavior is associated with the process ([0066], "...define the permitted behavior of applications running on the agents", see also [0044], [0054], [0109], [0127]); monitor the process ([0053], [0063]); and compare a second behavior with the first behavior, wherein the second behavior is attempted by the process ([0133], "unacceptable behavior", see also [0044], [0082]); and a memory coupled with the processor, configured to provide the processor with directions (abstract, Tajalli teaches of including a memory coupled with a processor to provide directions by monitoring processes and by generating behavior control descriptions for each process).

20. As to claim 17, it is rejected using the same rationale as for the rejection of claim 1.

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 11, 14-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajalli in view of Shah et al. (Patent No.: US 6,959,320 B2), hereinafter "Shah".

23. As to claim 19, Tajalli discloses a system for providing security (abstract), comprising: a processor configured to: determine a first behavior ([0066], "...define the permitted behavior of applications running on the agents", see also [0044], [0054], [0109], [0127]); monitor a process, wherein the process is associated with the first behavior ([0053], [0063]); and compare a second behavior with the first behavior, wherein the second behavior is attempted by the process ([0133], "unacceptable behavior", see also [0044], [0082]); and a memory coupled with the processor, configured to provide the processor with instructions (abstract, Tajalli teaches of including a memory coupled with a processor to provide instructions by monitoring processes and by generating behavior control descriptions for each process).

Tajalli doesn't explicitly disclose wherein the first behavior is associated with a prefetch file. However, Shah discloses associating a prefetch file (column 33, lines 10-46, see also column 26, lines 30-50).



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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Tajalli by associating a prefetch file as taught by Shah in order to "provide a client-side performance optimization system" (Shah).

24. As to claims 18 and 20, these are rejected using the same rationale as for the rejection of claim 19.

25. As to claim 11, Tajalli discloses wherein the operational information includes optimization information ([0081]). Tajalli doesn't explicitly disclose the optimization information is used to improve process initialization time. However, Shah discloses to improve process initialization time (column 33, lines 10-46, see also column 26, lines 30-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Tajalli by improving process initialization time as taught by Shah in order to "provide a client-side performance optimization system" (Shah).

26. As to claims 14 and 15, Tajalli discloses a database (FIG. 4). Tajalli doesn't explicitly disclose includes a prefetch file. However, Shah discloses prefetch file (column 33, lines 10-46, see also column 26, lines 30-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Tajalli by including a prefetch file as taught by Shah in order to "provide a client-side performance optimization system" (Shah).

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

Dotan (Pub. No.: US 2002/0147923 A1) disclose method for assigning process with trust attributes.

Munson (Patent No.: US 7,096,499 B2) discloses method for simplifying the structure of dynamic execution profiles.

Sameshima (Pub. No.: US 2002/0147509 A1) discloses a behavior monitoring process acquires interaction within particular device or between other devices in system for storage in behavior log table.

Gupta et al. (Patent No.: US 6,553,461 B1) discloses client controlled pre-fetching of resources.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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